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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 : FINAL DECISION AND ORDER
JEFFERSON NARCISO CALIMLIM, M.D., : LS0710172MED
RESPONDENT. :

[Division of Enforcement Case # 06 MED 257]

The parties to this action for the purposes of Wis. Stat. § 227.53 are:

Jefferson Narciso Calimlim, M.D.
3267 S. 16th Street, Suite 101
Milwaukee, WI 53215

Division of Enforcement
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

Wisconsin Medical Examining Board
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Medical Examining Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Jefferson Narciso Calimlim, M.D., Respondent, date of birth October 4, 1944, is licensed and currently registered by the Wisconsin Medical Examining Board to practice medicine and surgery in the state of Wisconsin, pursuant to license number 22310, which was first granted July 13, 1979.
2. Respondent's last address reported to the Department of Regulation and Licensing is 3267 S. 16th Street, Suite 101, Milwaukee, WI 53215.
3. Respondent's practice specialty is otorhinolaryngology.
4. On May 26, 2006, following a jury trial in United States District Court for the Eastern District of Wisconsin case number 04-Cr-248, Respondent was found guilty and convicted of:
 - a. One Count of Conspiracy to Obtain Labor and Services by Threats of Harm and Physical Restraint, a violation of 18 U.S.C. §§ 371 & 1589.
 - b. One Count of Obtain the Labor and Services of a Filipino National by Threats of Serious Harm to and Physical Restraint, a violation of 18 U.S.C. §§ 1589, 1594 & 2.
 - c. One Count of Concealing an Alien From Detection For the Purpose of Private Financial Gain, a violation of 8 U.S.C. §§ 1324(a)(1)(A)(iii) and 1324(a)(1)(B)(I).

d. One Count of Conspiracy to Conceal an Alien From Detection For the Purpose of Private Financial Gain, a violation of 8 U.S.C. § 1324(a)(1)(A)(v)(I) and 1324(a)(1)(B)(I).

5. The allegations by the government in that case included that:

a. In 1985, Respondent and his spouse, who is also a physician licensed in Wisconsin, arranged to have Ms. A, who was then 19 years of age, brought from the Philippines to the United States to work as a live-in maid and nanny for their children.

b. Before coming to the United States, Ms. A and her family lived in a small one-room house with no plumbing or electricity, in a poor, farming region of the Philippines.

c. In the Philippines, Ms. A had worked as a housekeeper for Respondent's father-in-law, who was also a physician. To bring Ms. A into the United States to work for Respondent and Respondent's spouse, Respondent's father-in-law obtained a passport and visa for Ms. A by falsely stating that Ms. A was accompanying him to the United States so she could have a medical exam. Ms. A's passport was given to Respondent's spouse and was kept from Ms. A.

d. Ms. A believed that she was coming to work for Respondent and his spouse for five years so that she could send money back home to help her family. From her arrival in 1985 through September 29, 2004, Ms. A was employed as a domestic worker responsible for caring for Respondent's children, cleaning the house and preparing the family meals. Ms. A lived in a room in the basement of Respondent's residence.

e. Ms. A was promised a salary that would be kept in an account. Ms. A did not have access to the account or know of its whereabouts. In 1985, Respondent's spouse opened up a bank account into which to deposit Ms. A's wages. Respondent's spouse told Ms. A that she could not have a bank account in her name because she was an illegal alien. The account was closed two years later, one day after Ms. A's visa expired.

f. Ms. A earned approximately \$150 per month for the first 10 years and \$400 per month thereafter. Most, but not all, of the money Ms. A earned was paid directly to Ms. A's parents. In 19 years, Ms. A's parents received about \$18,000. Respondent and his spouse kept no accurate records of how much they paid Ms. A.

g. For 19 years, Respondent and his spouse coerced Ms. A to work long hours, seven days a week for little money. They threatened Ms. A with deportation and imprisonment if she disobeyed them, and kept her inside their home, not allowing her to socialize, communicate freely with the outside world, or leave the house unsupervised. Ms. A was required to hide in her basement bedroom whenever non-family members were present in the house.

h. When Ms. A broke a tooth and had pain, she was not allowed to be seen by a dentist. Ms. A had gynecological problems which caused her pain, but was not allowed to be seen by a gynecologist.

6. On November 16, 2006, Respondent was sentenced to 48 months in federal prison followed by 3 years of supervision on each of the four counts, with the terms to run concurrently. The imprisonment commenced on January 17, 2007.

7. Respondent has appealed the convictions and the appeal is presently pending in the Seventh Circuit Court of Appeals.

8. 18 U.S.C. §§ 371 & 1589, 18 U.S.C. §§ 1589, 1594 & 2, 8 U.S.C. §§ 1324(a)(1)(A)(iii) and 1324(a)(1)(B)(I) and 8 U.S.C. § 1324(a)(1)(A)(v)(I) and 1324(a)(1)(B)(I) are laws the circumstances of which substantially relate to the circumstances of the practice of medicine.

CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction over this matter pursuant to Wis. Stat. § 448.02(3), and has authority to enter into this stipulated resolution of this matter pursuant to Wis. Stat. §§ 227.44(5) and 448.02(5).

2. Respondent, by having violated, and been convicted of, laws the circumstances of which substantially relate to the circumstances of the practice of medicine, has committed unprofessional conduct as defined by Wis. Admin. Code § Med 10.02(2)(z) and is subject to discipline pursuant to Wis. Stat. § 448.02(3).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The SURRENDER by Jefferson Narciso Calimlim, M.D., of his license to practice medicine and surgery in the state of Wisconsin is hereby ACCEPTED.
2. If Respondent's appeal is successful and one or more of the convictions is reversed, Respondent may petition the Board to reinstate his license to practice medicine and surgery in the state of Wisconsin.
 - a. At the time of the petition, Respondent shall pay to the Department of Regulation and Licensing pursuant to Wis. Stat. § 440.22(2) the costs of this proceeding in the amount of \$1,130.
 - b. If all counts are reversed, the Board shall reinstate Respondent's license.
 - c. If fewer than all counts are reversed, it shall be in the discretion of the Board whether to reinstate Respondent's license, and whether to place any limitations on the license, if the Board does decide to reinstate the license.
 - d. In exercising its discretion, the Board shall consider, among other things:
 - 1) Whether the reversal was of one or more convictions.
 - 2) The basis for the reversal of the conviction or convictions.
 - e. If Respondent believes that the Board's refusal to reinstate his license is inappropriate or that any limitation imposed or maintained by the Board is inappropriate, Respondent may seek a class 1 hearing pursuant to Wis. Stat. § 227.01(3)(a), in which the burden shall be on Respondent to show that the Board's decision is arbitrary or capricious. The denial or limitations on Respondent's license shall remain in effect until there is a final decision in Respondent's favor on the issue.
3. This Order is effective on the date of its signing.

Wisconsin Medical Examining Board

By: Gene Musser MD
A Member of the Board

10/17/2007
Date